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22850

7590

08/23/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SHRESTHA, BLENDR A K

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 08/23/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,120	04/01/2004	Dieter S. Gaubatz	339699US28	8496

TITLE OF INVENTION: SYSTEM AND METHOD FOR EVALUATING PREFERRED RISK DEFINITIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/23/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22850 7590 08/23/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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Hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,120	04/01/2004	Dietter S. Gaubatz	339699U/528	8496

TITLE OF INVENTION: SYSTEM AND METHOD FOR EVALUATING PREFERRED RISK DEFINITIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/23/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHRESTHA, BIJENDRA K	3691	705-035000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			SHRESTHA, BIJENDRA K	
			ART UNIT	PAPER NUMBER

3691

DATE MAILED: 08/23/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1168 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1168 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/816,120

Applicant(s)

GAUBATZ ET AL.

Examiner

BIJENDRA K. SHRESTHA

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/15/2010.
2. ☒ The allowed claim(s) is/are 1-5,7-10,21-25,27-30,47 and 48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691

EXAMINER STATEMENT

1. This action is responsive to the amendment filed with on 05/24/2010 and supplemental amendment filed on 06/15/2010. Of the original claims 1-49 filed, claims 1-2, 4, 6-8, 21-24, 26, 28-30 and 44 have been amended, and claims 11-20 and 31-43 have been canceled by applicant's amendment. Therefore, claims 1-10, 21-30 and 44-49 are under consideration for prosecution of this application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The Examiner amendment includes amendment to claims 1, 7, 21-25 and 27-30 and cancellation of claims 6, 26, 44-46 and 49. Authorization for this examiner's amendment was given in a telephone interview with attorney Nikolaus P. Schibli, Ph.D (registration # 56,994) on August 13, 2010. The application has been amended as follows:

AMENDMENTS TO THE CLAIMS

Claim 1 (Currently Amended): A method of characterizing relative risks associated with a plurality of financial products performed on a computer having a hardware processor,

comprising the steps of:

identifying one or more risk classes associated with the plurality of financial products by using an input device of the computer;

storing data in a data storage of said computer relating to prevalence of criteria associated with said risk classes;

determining, for each of the risk classes, an expected occurrence rate by the processor;

dividing the expected occurrence rates determined by said step of determining by an average rate by the processor and determining a relative risk ratio for each of the risk classes based on the expected occurrence rates and based on the prevalence of the criteria associated with the risk classes;

calculating correlated risk ratios between at least two of the risk classes that are identified in said step of identifying and determining a dependence between the at least two different risk classes based on the correlated risk ratios; and

comparing the relative risk ratios and the correlated risk ratios by the processor with empirical data and generating comparative risk data to characterize the relative risks associated with the plurality of products based on the relative risk ratios and the correlated risk ratios;

correcting the relative risk ratios in a case the comparative risk data is out of a defined range comparing with the empirical data; and

storing the corrected risk ratios to a storage unit of the computer.

Claim 2 (Previously Presented): The method of claim 1, wherein said one or more risk classes are associated with one or more criteria, and further comprising the step of:

modifying one or more of said criteria and repeating said steps of determining, dividing, calculating and comparing and determining an impact of said modification on the relative risks associated with the products.

Claim 3 (Previously Presented): The method of claim 1,

wherein one or more of said risk classes are associated with different criteria, and wherein said relative risk ratios are used to compare said risk classes.

Claim 4 (Previously Presented): The method of claim 1, further comprising the step of:

using the relative risk ratio for redefining one or more of said risk classes.

Claim 5 (Previously Presented): The method of claim 1, further comprising the step of:

determining a separate relative risk ratio for sub-groups of risks.

Claim 6 (Cancelled).

Claim 7 (Currently Amended): The method of ~~claim 6~~ claim 1, further comprising the step of:

comparing the prevalence data to industry empirical data for particular combinations of criteria; and

adjusting the stored data to agree with the empirical data.

Claim 8 (Previously Presented): The method of claim 1, further comprising the step of:

storing data relating to the expected occurrence rates; and

determining the relative risk ratios based on the expected occurrence rates.

Claim 9 (Previously Presented): The method of claim 8, further comprising the step of:

adjusting the corrected risk ratios to agree with the empirical data.

Claim 10 (Previously Presented): The method of claim 2, further comprising the step of:

using the relative risk ratio to determine an impact on a risk class of including in that class one or more risks that do not meet one or more of the criteria associated with that class.

Claims 11-20 (Cancelled).

Claim 21 (Currently Amended): A system ~~having a hardware processor~~ for characterizing relative risks associated with a plurality of financial products, comprising:

an input device;

a hardware processor that identifies ~~an identifying unit operating on an input device of the system for identifying~~ one or more risk classes associated with the plurality of financial products;

stores data relating to prevalence of criteria associated with said risk classes;

~~a determining unit operating on the hardware processor for determining~~ determines, for each of the risk classes, an expected occurrence rate;

~~a dividing unit operating on the hardware processor for dividing~~ divides the expected occurrence rates by an average rate and determining a relative risk ratio for each of the risk classes based on the data relating to prevalence of the criteria associated with said risk classes;

~~a calculating unit operating on the hardware processor for calculating~~ calculates correlated risk ratios between at least two of the risk classes that are identified in said step of identifying and determining a dependence between the at least two different risk classes;

~~a comparing unit operating on the hardware processor for comparing~~ compares the relative risk ratios and the correlated risk ratios with empirical data

and generating comparative risk data to characterize the relative risks associated with the plurality of products;

~~a correcting unit operating on the hardware processor for correcting~~
corrects the relative risk ratios in a case the comparative risk data is out of a defined range comparing with the empirical data; and

~~an output device a storage unit of the system for storing outputting~~ the corrected risk ratios.

Claim 22 (Currently Amended): The system of claim 21, wherein said one or more risk classes are associated with one or more criteria, and ~~further comprising said hardware processor further~~~~[:]) a modifying unit for modifying~~ modifies one or more of said criteria and re-determining the relative risk ratio and for determining an impact of said modification on the relative risks associated with the products.

Claim 23 (Currently Amended): The system of claim 21, wherein one or more of said risk classes are associated with different criteria, and said ~~comparing unit~~ hardware processor further compares the risk classes based on said relative risk ratios.

Claim 24 (Currently Amended): The system of claim 21, ~~further comprising: the~~
hardware processor further a calculation unit configured to redefine redefines one or more of said risk classes based on the relative risk ratio.

Claim 25 (Currently Amended): The system of claim 21, the hardware processor further ~~comprising: a determining unit for determining~~ determines a separate relative risk ratio for sub-groups of risks.

Claim 26 (Cancelled).

Claim 27 (Currently Amended): The system of ~~claim 26~~ claim 21, the hardware processor further ~~comprising: a comparison unit for comparing~~ compares the prevalence data to industry empirical data for particular combinations of criteria; and ~~an adjustment unit for adjusting~~ adjusts the stored data to agree with the empirical data.

Claim 28 (Currently Amended): The system of claim 21, the hardware processor further ~~comprising: a storage unit for storing~~ stores data relating to the expected occurrence rates, wherein ~~in said dividing unit~~ determines the relative risk ratio based on the data relating to the expected occurrence rates is determined.

Claim 29 (Currently Amended): The system of claim 28, the hardware processor further ~~comprising: an adjustment unit for adjusting~~ adjusts the corrected risk ratios such that the corrected risk ratios agree with the empirical data.

Claim 30 (Currently Amended): The system of claim 21, wherein said one or more risk classes are associated with one or more criteria, ~~the hardware processor further and further comprising: a calculation unit that~~ determines an impact on a risk class of including in that class one or more risks that do not meet one or more of the criteria based on the relative risk ratios.

Claims 31-46 (Cancelled).

Claim 47 (Previously Presented): The method of characterizing relative risks according to claim 3, wherein the different criteria used for the risk classes are diastolic blood pressure and systolic blood pressure.

Claim 48 (Previously Presented): The system according to claim 23, wherein the different criteria used for the risk classes are diastolic blood pressure and systolic blood pressure.

Claim 49 (Cancelled).

Reasons for Allowance

3. With regards to claim 1, the prior art of records does neither anticipate nor render obvious, inter alia, as a whole, the uniquely patentable feature of: "calculating correlated risk ratios between at least two of the risk classes that are identified in said step of identifying and determining a dependence between the at least two different risk classes based on the correlated risk ratios; and comparing the relative risk ratios and the correlated risk ratios by the processor with empirical data and generating comparative risk data to characterize the relative risks associated with the plurality of products based on the relative risk ratios and the correlated risk ratios" in a method of characterizing relative risks associated with a plurality of financial products.

The reasons for allowance for all the other independent claims and dependent claims are the same as set forth for claim 1 above because they all include same/similar limitation indicated above for the reasons for allowance.

Discussion of Cited Prior Art

4. The applicant's arguments/remarks filed in response dated 05/24/2010, see pages 10-14 and 06/15/2010, see pages 10-13 are persuasive and compelling that the cited prior art of over Flagg, U.S. Patent No. 6,456,979, Moller et al. (BMJ, June 1995), and Silver, U.S. Patent No. 6,269,339 does neither disclose or renders obvious the unique features as listed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 8:00 AM-4:30 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 3691

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bijendra K. Shrestha/
Examiner, Art Unit 3691
08/14/2010

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691